IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

Crl.MC.No. 2444 of 2007()

CC.195/2007 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY IN CRIME NO. 1335/06 OF KARUNAGAPPALLY, POLICE STATION .

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PETITIONER: 2ND ACCUSED

RAMESAN, S/O NARAYANAN, THAIVELLAYIL
HOUSE, EAST OF MANAPPALLY JUNCTION,
MANAPPALLY NORTH, PAVUMBA VILLAGE,
KARUNAGAPPALLY.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KARUNAGAPPALLY
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2444 Of 2007

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Dated this the 31st day of July, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Sections 452 and 326 IPC. Cognizance has already been taken. Consequent to non appearance of the petitioner, the learned Magistrate has issued coercive processes against the petitioner. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The absence of the petitioner earlier was on account of reasons beyond his control. The petitioner is willing to surrender before the learned Magistrate, but he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He further prays that appropriate directions under Section 438 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific

direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C. is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are compelling reasons.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE